

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CHARLES C. FREENY, III, ET AL.

v.

MURPHY OIL CORPORATION ET AL.

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Case No. 2:13-CV-791-RSP

ORDER

Before the Court are Plaintiffs’ Motion to Compel Discovery Regarding Murphy’s Accused Website, Depositions on Certain Rule 30(b)(6) Topics, and for Sanctions (Dkt. No. 67) (“Motion to Compel Website Documents”); Defendants’ Motion to Strike Portions of Plaintiffs Amended Infringement Contentions Relating to Newly-Disclosed Infringement Theory (Dkt. No. 68) (“Motion to Strike”); and Plaintiffs’ Motion to Compel Production of Financial Information Relating to Defendant’s Accused System (Dkt. No. 69) (“Motion to Compel Financial Documents”).

For the reasons set forth during the March 12, 2015 hearing on the same, the Court finds as follows:

- Plaintiffs’ Motion to Compel Website Documents (Dkt. No. 67) is **GRANTED-IN-PART** as agreed by the parties to the extent that Defendants will produce high-level documents (i.e., excluding source code, etc.) in response to all four of the categories set forth on page ten of Plaintiffs’ Motion to Compel Website Documents. This production shall include, but not be limited to, the “Find a Store” and “Gift Card” URLs.
- Defendants’ Motion to Strike (Dkt. No. 68) is **DENIED**.
- Plaintiffs’ Motion to Compel Financial Documents (Dkt. No. 69) is hereby **GRANTED-IN-PART** to the extent that Plaintiffs shall be entitled to supplement their expert report on topics as they relate to the documents Defendants produced on March 11, 2015 in

response to this motion. Plaintiffs' supplemental expert report shall be served no later than March 18, 2015 and Defendants' supplemental expert report shall be served no later than three (3) days after the service of Plaintiffs' supplemental expert report.

- A telephonic hearing is set for Friday, March 20, 2015 at 1:30 p.m. to resolve any outstanding issues that may remain regarding this motion (Dkt. 69). Specifically, the purpose of this hearing is provide Plaintiffs with the opportunity to: (i.) review and determine the adequacy of Defendants' March 11, 2015 production; and (ii.) determine whether there is a basis to seek leave to depose additional individuals on topics relating to those documents.

SIGNED this 12th day of March, 2015.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE